



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**JUL 09 2008**

REPLY TO THE ATTENTION OF:

Lindsay Light II Site  
OU 06 Dusable Park

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

EPA Region 5 Records Ctr.



356281

Shelbourne Development Group, Inc.  
c/o Mr. William E. Russell, Registered Agent  
311 South Wacker Drive, Suite # 3000  
Chicago, IL 60606

RE: Lindsay Light II Site, OU 06, Dusable Park  
653 E. North South Water Street  
Chicago, Illinois  
General Notice of Potential Liability

Dear Sir or Madam:

The United States Environmental Protection Agency ("U.S. EPA") has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to and investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 *et seq.*, ("CERCLA") as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances and persons were involved in transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where the Agency uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the Site, including investigation, planning and enforcement costs.

U.S. EPA is currently planning to conduct the following actions at the above referenced facility:

1. Develop and implement a Work Plan for the radiological assessment of the Site including a Soil Sampling Plan, a Health and Safety Plan, an Air Monitoring Plan, and site security measures.

2. Based upon soil results, remove transport, and dispose of characterized or identified hazardous substances, pollutants, wastes or contaminants at a Resource Conservation and Recovery Act/CERCLA- approved disposal facility in the accordance with the U.S. EPA off-site rule or otherwise manage in accordance with federal, state, and local regulations.
3. Remove thorium-contaminated soil to the 7.1 pico-Curies per gram ("pCi/g") total radium (Ra-226 + Ra-228) including background, clean-up criterion described in the Action Memorandum unless analyses indicate the existence of additional contaminants, hazardous substances, pollutants or waste.
4. Conduct off-site radiological surveying and sampling as necessary and, should contamination be discovered within the rights-of-ways surrounding the Site, remove thorium-contaminated soil to the 7.1 pCi/g total radium (Ra-226 + Ra-228) including background, or record U.S. EPA-approved institutional controls to prevent human exposure to known or potentially contaminated soil.
5. If any portion of the Site is not radiologically surveyed in accordance with the Work Plan due to interference by existing utilities or infrastructure, or if any known contamination will remain after completion of the Work Plan due to interference by existing utilities or infrastructure, then it will be necessary to implement U.S. EPA-approved restrictions or other U.S. EPA-approved institutional controls pertaining to the Site.
6. Implement 40 CFR 192 if deemed necessary should contamination be discovered beyond current site boundaries.
7. Backfill all excavations with suitable material, and if soil, test borrow source for radioactivity and other pertinent characteristics in 40 CFR Part 261.

U.S. EPA has received information that Shelbourne Development Group, Inc. may have owned or operated or generated or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities that U.S. EPA has determined or will determine are required at the facility. U.S. EPA is willing to discuss with you the entry of an appropriate Administrative Settlement Agreement and Order on Consent for Removal Action ("ASOC") under which you would perform or finance response activities and reimburse U.S. EPA its costs. If an ASOC cannot be promptly concluded, U.S. EPA may amend your organization to the existing Unilateral Administrative Order, Docket Number V-W-96-C-353 issued June 6, 1996, and amended on March 29, 2000, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify U.S. EPA in writing **within five (5) business days** of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your response should be sent to:

Cathleen Martwick  
U.S. EPA- Region 5  
Office of Regional Counsel, C-14J  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

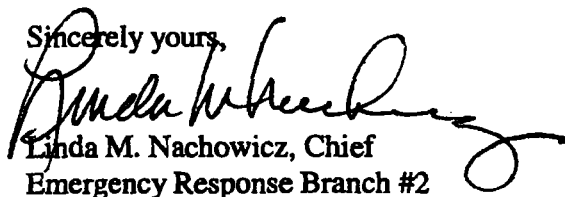
If U.S. EPA does not receive a timely response, U.S. EPA will assume that Shelbourne Development Group, Inc. Does not wish to negotiate a resolution of its potential responsibility in connection with the facility and that your organization declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Cathleen Martwick of the U.S. EPA Office of Regional Counsel at (312) 886-7166.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frames specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,

  
Linda M. Nachowicz, Chief  
Emergency Response Branch #2

cc: **Robert M. Baratta, Esq., Freeborn & Peters, LLP**  
**311 South Wacker Drive, Suite 3000, Chicago, IL 60606**

**T.L. Cabbage Esq., Covington & Burling, LLP**  
**1201 Pennsylvania Avenue, Washington D.C. 20004**